

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 1348 of 1988

For Approval and Signature:

Hon'ble MR.JUSTICE D.A.MEHTA

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1. Whether Reporters of Local Papers may be allowed : NO
to see the judgements?
 2. To be referred to the Reporter or not? : NO
 3. Whether Their Lordships wish to see the fair copy : NO
of the judgement?
 4. Whether this case involves a substantial question : NO
of law as to the interpretation of the Constitution
of India, 1950 of any Order made thereunder?
 5. Whether it is to be circulated to the Civil Judge? : NO
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ISMAILBHAI R MOMIN

Versus

STATE OF GUJART

Appearance:

1. Special Civil Application No. 1348 of 1988

MR MANOJ N POPAT for Petitioner.

MR NIRAV THAKKAR, AGP.for Respondent No. 1-2

CORAM : MR.JUSTICE D.A.MEHTA

Date of decision: 17/08/2001

ORAL JUDGEMENT

1 We have heard Mr.M.N.Popat for the petitioner and Mr.N.C.Thakkar, learned Assistant Government Pleader for the respondent. The petitioner appeared in the competitive examination in March,1978 held by Gujarat Public Service Commission for the purpose of recruiting Deputy Superintendent of Police. The petitioner cleared the said examination and was declared as qualified. Waiting list was prepared wherein the petitioner's name was shown at Sr.No.6. The grievance made by the petitioner is that one Shri A.K.Pandya who was listed at Sr.No.7 and one Shri P.K.Valera who was listed at Sr.No.9 were appointed eventhough they had obtained marks less

than the marks obtained by the petitioner. Apart from this contention it was contended by Mr. Popat that new rules viz. Gujarat Civil Service Recruitment (Examination) Rules, 1980 cannot be applied to the case of the petitioner as he had cleared the qualifying examination in 1978 and was duly wait listed.

2. The respondents have shown that the persons who were at Sr.Nos. 7 & 9 of the wait list were appointed ahead of the petitioner in view of the fact that the appointments were made to the posts which fell in the reserved category because both the persons admittedly belong to the class from which the aforesaid two posts were required to be filled up. In so far as the applicability of the new rules is concerned suffice it to state that once the post for which the examination was held, were filled up the waiting list prepared would stand exhausted and it is not possible to accept the contention that the said wait list should continue either till the next qualifying examination or till the entire list gets exhausted by appointing all the persons wait listed at the earlier qualifying examination.

3. In view of the aforesaid facts and circumstances of the case no case is made out and the petition is rejected. Rule is discharged with no order as to costs.

Sd/-

(D.A.Mehta, J)